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ERIC BRIAN ROSENBERG
4002 Lacroux Court
Ocean Springs, MS 39564
(978) 317-0960

FILED
FEB 10 2014
TERRY MILLER, CLERK
By _____

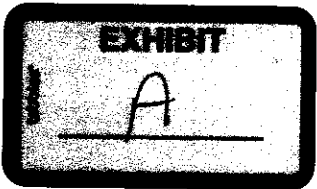
IN THE CHANCERY COURT OF JACKSON COUNTY
IN THE STATE OF MISSISSIPPI

ERIC BRIAN ROSENBERG,)
)
Plaintiff,)
)
vs.)
)
COAST COLLECTION AGENCY INC,)
)
Defendant:)

CAUSE NO.:
2014-0291 JB

COMPLAINTS FOR VIOLATIONS OF
FAIR CREDIT REPORTING ACT,
VIOLATIONS OF THE FAIR DEBT
COLLECTION PRACTICES ACT,
DEFAMATION OF CHARACTER,
LIBEL, SLANDER, RECKLESS
CONDUCT, AND FALSE LIGHT

COMES NOW, the PLAINTIFF ERIC B. ROSENBERG and alleges and complains as follows:



1 **PLAINTIFF'S COMPLAINT**

- 2
- 3 1. This action is brought by the Plaintiff, ERIC B. ROSENBERG, for actual and statutory
- 4 damages, legal fees, and costs for Defendant's violations of the Fair Credit Reporting Act, 15
- 5 U.S.C § 1681 et seq. (hereinafter "FCRA") and for Defendant's violations of the Fair Debt
- 6 Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA").
- 7
- 8 2. The Plaintiff also seeks compensatory and punitive damages for the Defendant's violations of
- 9 Mississippi state laws set forth herein.

10 **JURISDICTION AND VENUE**

- 11 3. Venue is proper in that the Defendant transacts business here and the Plaintiff resides here.
- 12 The Plaintiff, ERIC B. ROSENBERG, is a resident and citizen of the State of Mississippi,
- 13 Jackson County, and is over the age of twenty-one (21) years. The Defendant, COAST
- 14 COLLECTION AGENCY INCORPORATED, is a Mississippi corporation whose registered
- 15 agent is located at 1807 Ingalls Ave, Pascagoula, MS 39567, which is also the Defendant's
- 16 place of primary business.

17 **Facts**

- 18 4. On or around May of 2013, Plaintiff made a routine check of his credit reports with the three
- 19 major credit bureaus, Experian, Transunion, and Equifax. Plaintiff noticed thirteen collection
- 20 accounts on his Equifax report, placed by COAST COLLECTION AGENCY. All entries,
- 21 except one, were for amounts under \$100. The total amount of all thirteen entries was
- 22 \$752.00.
- 23 5. Plaintiff immediately called Defendant to see what these entries were relating to. An
- 24 employee by the name of Lynn Davis told Plaintiff the charges were for doctors visits in
- 25 Florida. Plaintiff asked for the name of the original creditor and was told it was the
- 26 McKesson Corporation of Jacksonville, Florida. Plaintiff explained he had never lived or
- seen a doctor in Florida. Defendant told Plaintiff the debts were his and he should pay them
- immediately or they will take Plaintiff to court. Plaintiff explained some of the debts listed
- were past the statute of limitations, according to Mississippi state law. Defendant disagreed.
- No lawsuit was filed by Defendant against the Plaintiff.
6. Plaintiff then sent a letter to Defendant asking for validation of the debts. Defendant failed to
- respond to the letter, so Plaintiff filed a dispute with Equifax. Defendant verified the debt
- with Equifax and the entries remained on Plaintiff's credit report.

- 1 7. On February 3, 2014, Plaintiff went to Defendant's place of business in Pascagoula, MS and
2 requested validation in person. Defendant refused. Plaintiff asked if the debt could be paid
3 to the original creditor, if one actually existed, and was told by Defendant the debt could
4 either be paid to COAST COLLECTION AGENCY or in person in Jacksonville, FL.
- 5 8. On February 4, 2014, Plaintiff went to Singing River Hospital in Ocean Springs, MS to see if
6 they had any knowledge of the accounts. The cashier showed Plaintiff a list of ten (10)
7 accounts that matched ten of the thirteen (13) accounts listed on Plaintiff's credit report by
8 Defendant. Plaintiff then paid Singing River Hospital in full, via credit card, and received a
9 receipt showing all accounts owed to Singing River Hospital were paid in full.
- 10 9. The same day, Plaintiff took that receipt to COAST COLLECTION AGENCY, along with a
11 letter demanding the entries to the credit reporting bureaus be updated. Defendant refused to
12 acknowledge the payments, stating they would only update or remove the entries if payment
13 was made to them. Plaintiff asked again for validation of the account and attempted to give
14 Defendant a letter asking for full validation and relationship status between COAST
15 COLLECTION AGENCY and the original creditor. Defendant refused to validate and
16 accept the paid in full receipt or validation letter.
- 17 10. Plaintiff then notified Defendant they were reporting inaccurate and defamatory information
18 to Equifax and the negative and inaccurate information was causing him immediate harm.
19 Plaintiff repeatedly requested the inaccurate and defamatory information be retracted.
20 Plaintiff said he would use the court system if necessary and asked for the address of the
21 corporation's registered agent. A Dennis Dunn emerged from the back and told Plaintiff he
22 would not divulge that information.
- 23 11. **The inaccurate information reported on Plaintiff's Equifax credit report is ruining the
24 Plaintiff's otherwise nearly perfect credit history and causing harm to the Plaintiff.** The
25 Defendant has negligently, willfully and maliciously published and communicated false and
26 defamatory statements regarding the Plaintiff and said statements have subjected the Plaintiff
to credit denials, ridicule, harmed his reputation, caused the Plaintiff physical sickness such
as anxiety, loss of sleep, nervousness, mental anguish and emotional distress, and caused
Plaintiff to incur time, trouble, aggravation, legal fees, and out of pocket expenses to in an
attempt to correct his credit reports.

**FIRST CAUSE OF ACTION FOR VIOLATIONS TO THE FAIR CREDIT
REPORTING ACT**

12. COAST COLLECTION AGENCY violated 15 U.S.C § 1681s-2(b)(1)(A) by failing to
conduct an investigation after receiving notice that the Plaintiff disputed the information
COAST COLLECTION AGENCY provided to a consumer reporting agency.

- 1 13. COAST COLLECTION AGENCY violated 15 U.S.C § 1681s-2(b)(1)(B) by failing to
2 review all relevant information provided pursuant to 15 U.S.C § 1681i.
- 3 14. COAST COLLECTION AGENCY violated 15 U.S.C § 1681s-2(b) by failing to conduct an
4 investigation as to the accuracy of the information reported by each consumer reporting
5 agency.
- 6 15. COAST COLLECTION AGENCY violated 15 U.S.C § 1681s-2(b)(2) by failing to complete
7 investigations, reviews, and reports required under § 1681s-2(b)(1) within 30 days.
- 8 16. COAST COLLECTION AGENCY violated 15 U.S.C § 1681s-2(b)(1)c by reporting
9 inaccurate, incomplete, false, and misleading results of the investigation, if any, to the
10 consumer reporting agency.
- 11 17. COAST COLLECTION AGENCY violated 15 U.S.C § 1681s-2(b)(1)(D) by failing to notify
12 all consumer reporting agencies that the reporting of the debt was inaccurate, incomplete,
13 false, and misleading.
- 14 18. As a result of the above mentioned conduct, Plaintiff suffered the damages set out in
15 paragraph 11 above and 20 below.

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SECOND CAUSE OF ACTION FOR DEFAMATION, LIBEL, SLANDER

19. The Plaintiff hereby adopts the averments and allegations of all paragraphs above herein
before as if more fully set forth herein and adds thereto the following:
20. The Defendant has negligently, willfully and maliciously published and communicated false
and defamatory statements regarding the Plaintiff and said statements have subjected the
Plaintiff to credit denials, ridicule, harmed his reputation, caused the Plaintiff physical
sickness such as anxiety, loss of sleep, nervousness, mental anguish and emotional distress,
and caused Plaintiff to incur time, trouble, aggravation, legal fees, and out of pocket expenses
to in an attempt to correct his credit reports.
21. At the time said communications were made, the Defendant knew, or should have known, the
falsity of the communication or recklessly disregarded the potential inaccuracy of the
information, yet knowingly, willfully and maliciously communicated the falsity.
22. As a proximate result of the intentional communications, defamation, libel, and slander, the
Defendant has caused the Plaintiff to suffer the damages set out in the paragraphs above, for
which he claims compensatory and punitive damages.
23. Said communications were oral and/or written.

1 **THIRD CAUSE OF ACTION PLACED IN FALSE LIGHT**

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3 24. The Plaintiff adopts the averments and allegations of all paragraphs above hereinbefore as if
4 more fully set forth herein and adds thereto the following:

5 25. The Defendant has negligently, willfully and maliciously published information which put
6 the Plaintiff in a false light and subjected him to public ridicule, damage to credit reputation,
7 physical sickness, and mental anguish and emotional distress.

8 26. The conduct of the Defendant was objectionable to the Plaintiff and to any reasonable
9 person. The Defendant's actions were negligent, willful or reckless and resulted in the
10 Plaintiff being unreasonably placed in false light. The Plaintiff had previously advised that
11 the information they were reporting to third parties was erroneous.

12 27. As a result of the Defendant's acts and omissions, the Plaintiff has suffered actual and
13 compensatory damages as set out in paragraphs 11 and 20 above, for which he seeks
14 compensatory and punitive damages.

15 **FOURTH CAUSE OF ACTION FOR RECKLESS AND WANTON CONDUCT**

16 28. The Plaintiff adopts the averments and allegations of all paragraphs above hereinbefore as if
17 fully set forth herein.

18 29. Defendant recklessly and wantonly failed to determine the accuracy of Plaintiff's claims that
19 he did not owe the debt being reported by Defendant and/or that he did not have an
20 outstanding charge on the accounts.

21 30. Defendant willfully, recklessly and/or wantonly verified incomplete or inaccurate
22 information related to Plaintiff's debt as a matter of practice of collecting debts even though
23 the information they had was insufficient to determine the accuracy of the debt or veracity of
24 Plaintiff's dispute.

25 31. Defendant willfully, recklessly and/or wantonly continued reporting the negative and
26 defamatory information about Plaintiff's account in an attempt to harass and coerce Plaintiff
27 to pay a disputed debt that he did not owe.

28 32. Defendant recklessly and wantonly failed to adopt policies or procedures to govern its
29 actions concerning the following:

30 (A) To prevent the reporting of negative, inaccurate and derogatory credit information
31 without sufficient account information to verify the accuracy of the information once a
32 dispute is received or evidence is supplied that verifies the debt is no longer outstanding.

33 (B) To make certain that the information disseminated to others (including the national credit

1 bureaus and those credit grantors likely to use the information provided by those bureaus), is
2 not false, neither libelous nor slanderous, and rises to the level of maximum accuracy.

3 (C) To thoroughly and completely investigate the charges by the consumer that their debt had
4 been paid in full before continuing to report the debt was outstanding to the national credit
5 reporting bureaus.

6 33. Defendant recklessly and wantonly failed to hire, train, and/or supervise its employees on its
7 practices, policies or procedures concerning the following:

8 (A) The thorough and complete investigation of allegations from a consumer that their debt
9 has been paid in full and is no longer outstanding or otherwise being reported inaccurately.

10 (B) To make certain that the information disseminated to others (including the national credit
11 bureaus and these credit grantors likely to use the information provided by those bureaus) is
12 not false, neither libelous nor slanderous, and rises to the level of maximum accuracy.

13 (C) To prevent the reporting of negative and derogatory credit information without sufficient
14 account information to verify the accuracy of the information once a dispute by the consumer
15 is received or communicated.

16 34. As a result of Defendant's reckless and wanton conduct the Plaintiff suffered the damages set
17 out in paragraphs 11 and 20 above, for all of which he claims compensatory and punitive
18 damages.

19 **FIFTH CAUSE OF ACTION FOR VIOLATIONS TO THE FAIR DEBT**
20 **COLLECTIONS PRACTICES ACT**

21 35. The Plaintiff adopts the averments and allegations of all paragraphs above hereinbefore as if
22 more fully set forth herein and adds thereto the following:

23 36. Defendant engaged in collection activities and practices in violation of the Fair Debt
24 Collection Practices.

25 37. Defendant made false representation regarding the character, amount, or legal status of the
26 debt in violation of § 1692e(2)(A).

27 38. Defendant communicated credit information to a third party which was known or which
28 should have been known to be false or inaccurate in violation of § 1692e(8).

29 39. Defendant failed to communicate that a disputed debt was disputed in violation of §
30 1692e(8).

31 40. Defendant violated § 1692f by using unfair and/or unconscionable means to attempt to
32 collect a debt by reporting damaging and inaccurate information to credit bureaus in an

1 attempt to coerce payment of a debt.

2 41. Defendant used false representations and/or deceptive means to collect or attempt to collect a
3 debt in violation of § 1692e(10) by reporting damaging and inaccurate information to credit
4 bureaus.

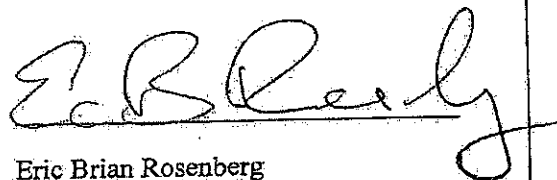
5 42. As a result of Defendant's conduct the Plaintiff suffered the damages set out in paragraphs 11
6 and 20 above, for all of which he claims compensatory and punitive damages.

7 **AMOUNT OF DAMAGES DEMANDED**

8 WHEREFORE, PREMISES CONSIDERED, Plaintiff demands a judgment against the
9 Defendants as follows:

- 10 A. Compensatory and punitive damages from the Defendant for their violations of FCRA;
11 B. Actual damages from the Defendant pursuant to 15 U.S.C. § 1681n(a)(1)(A);
12 C. Cost and reasonable legal fees from the Defendants pursuant to 15 U.S.C. § 1681n(a)(3);
13 D. Declaratory judgment that Defendant violated the FDCPA;
14 E. Actual damages from Defendant for violation of the FDCPA;
15 F. Statutory damages for each violation from Defendant pursuant to 15 U.S.C. § 1692k;
16 G. Costs and reasonable attorney's fees from Defendant pursuant to 15 U.S.C. § 1692k;
17 H. Compensatory and punitive damages against Defendant for the Plaintiff's state law claim
18 in an amount to be determined by a jury;
19 I. Order instructing Defendant to remove erroneous information from Plaintiff's credit file;
20 J. Such other and further relief as the Court may deem just and proper.

21 Respectfully submitted this 10th day of February, 2014 by:

22 

23 Eric Brian Rosenberg
24 Plaintiff pro per
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